

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02652/FP	Erection of five single storey terraced dwellings with associated landscaping, boundary fencing and cycle storage.	Old School House Park Lane Old Knebworth Hertfordshire SG3 6PR

Submitted Plan Nos

22416-100 22416-101 22416-103 22416-104 22416-105 22416-106

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
D4	Air quality
HE1	Designated heritage assets
HS3	Housing mix
NE2	Landscape
NE4	Biodiversity and geological sites
SECN11	Making effective use of land
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN15	Conserve + enhance natural environment
SECN16	Conserve + enhance historic environment
SECN5	Delivering sufficient supply of homes

SECN9	Promoting sustainable transport
SP12	Green infrastructure, landscape and biod
SP13	Historic environment
SP2	Settlement Hierarchy and Spatial Distrib
SP5	Countryside and Green Belt
SP6	Sustainable transport
SP8	Housing
SP9	Design and Sustainability
T2	Parking
T1	Assessment of transport matters

Knebworth Neighbourhood Plan

Policies KBDS1, KBDS2, KBBE1, KBBE2, KBBE4, KBEF1, KBEF2, KBEF3, KBEF5, KBT1,

2.0 **Relevant site history**

2.1 None.

3.0 **Representations**

3.1 **Parish Council** - With regards to the above application whilst the Parish Council did not object to the design on this development, they did object to this application if the area is deemed to be part of the extending the built core of the village policy in SP2 of the Neighbourhood plan on the local plans.

If the area is designated Green Belt the Parish Council also wanted to object to the application.

3.2 **Ecologist – Objection**

The proposal would be subject to a mandatory requirement to deliver 10% Biodiversity Net Gain but having read the submitted Biodiversity Net Gain Assessment it is clear that it would result in a Biodiversity loss of 74% of habitat units and 32% loss of hedgerow units due the extensive loss of trees and hedgerow.

Applications are expected to follow the biodiversity mitigation hierarchy of avoid, mitigate and as a last resort compensate. The BNG Assessment makes recommendations for limited mitigation but these are minor and with such a constrained site are unlikely to be retained or managed in a way to ensure continued ecological benefit. As such biodiversity gains will need to be sought off site which is disappointing. A reduced level of development would allow the retention of more tree cover.

Limited information has been provided in the BNG Assessment and it is not clear which tree species are affected but as the site lies in a conservation area they would all be covered by a TPO and most appear to be mature specimens which would have significant ecological interest associated with them, particularly the possibility of bats which has not been assessed.

Given the blanket removal of trees from the site barring tree 4, which appears to be an apple tree, more information is required to allow an informed decision in relation to the potential impact to protected species interest in the site.

3.3 **Waste Officer** - The waste collection service provision is not outlined in this planning application. Without sufficient information I am not able to determine that the proposal can meet the requirements.

3.4 **Archaeologist** - In this instance due to its location, we have no comments to make.

3.5 **Environmental Health** – No objections.

3.6 **HCC highways officer** – Recommends that permission be refused for the following reasons:

There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation. In the absence of the necessary information, the

Highway Authority recommends refusal due to doubt over possible implications for highway safety, sustainability, and convenience.

The proposed development as indicated on the Site Plan (Ref-2241-101, dated August ,2024) will not be acceptable. Objection for the following reasons

1. The application has failed to demonstrate how the proposed development will comply with the policies contained in the current the Local Transport Plan (LTP4) and National Planning Policy Framework (NPPF, Dec-2023).
2. The development does not offer appropriate provisions for pedestrians and cyclists to travel conveniently and safely between the site and Park Lane). In particular, vulnerable users, such as those in wheelchairs, those with disabilities, children, etc, will have to walk onto the main access road to get into park Lane.
3. Also, no footways are proposed from application site to connect with the exiting footways along the Park Lane. As such the proposal overall does not comply with HCC's Local Transport Plan 4 policies 1 and 5, and the NPPF paragraphs 114-116.
4. It fails to provide required visibility splays for peds and cars at the main access point Park Lane.
5. No Swept Path Analysis is provided for suitable size of Refuse vehicles.
6. It fails to provide details for cycle parking.
7. Overall, no measures are proposed to improve the above, and the application is therefore contrary to
 - o i) Paragraph 114 of the NPPF which states that a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, b) safe and suitable access to the site can be achieved for all users.
 - o ii) Paragraph 116 of NPPF which states that " a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - o iii) the LTP4 Policy 1 which states that: the county council will in the design of any scheme and development of any transport strategy consider in the following order: opportunities to reduce travel demand and the need to travel, vulnerable road user needs (such as pedestrians and cyclists), passenger transport user needs, powered two-wheeler (mopeds and motorbikes) user needs and other motor vehicle user needs,
 - o iv) Policy 5 which states: The county council will to work with development promoters and the district and borough councils to: a) Ensure the location and design of proposals reflect the LTP4 Transport User Hierarchy and encourage movement by sustainable transport modes and reduced travel demand. b) Ensure access arrangements are safe, suitable for all people, built to an adequate standard and adhere to the county council's Highway Design Standards,
 - o v) Policy 7 which states that: The county council will seek to encourage and promote walking by: a) Implementing measures to increase the priority of pedestrians relative to motor vehicles and
 - o vi) Policy 8 which states: The county council aims to deliver a step change in cycling, through: b) Implementing measures to increase the priority of cyclists relative to motor vehicles. e) Facilitating provision of secure cycle parking.

- 3.7 **Conservation Officer** - There is an **OBJECTION**. The scheme will not as submitted satisfy the provisions of Sections 16(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site comprises three different elements. The largest is the eastern section which is undeveloped apart from a small area of hardstanding; and has fencing, vegetation and trees on its boundaries. This part of the site is used unofficially for storage, and is stated by the applicant as being the disused playground of the former Old School House.
- 4.1.2 A smaller 'middle' part of the site to the west is an area of hardstanding used for parking for residents of Old School House. There is a gate providing access to the east part of the site from the parking area. The parking area is largely enclosed by fences of different types, and small amounts of vegetation. The remaining part of the site is a vehicular access from Park Lane to the parking area.
- 4.1.3 The access runs between and adjoins two detached dwellings, and Old School House which comprises three residential units. The site is on the eastern edge of Old Knebworth, and the locality has a predominantly rural character with small numbers of dwellings nearby. The site is in the Green Belt. The site is in a Conservation Area. The Former Nursery School near the west side of the vehicular entrance is a Building of Local Interest.

4.2 **Proposal**

- 4.2.1 The erection of a terrace of 5 one bedroom dwellings with pitched roofs, and the associated change of use of the land. The dwelling would be on the eastern two-thirds of the site, with new landscaping. 13 spaces would be provided on the existing parking area. The access would be unchanged.

4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the development is acceptable in principle, character and appearance and heritage, impacts on residential amenity, future living conditions, highways and parking, and trees and landscaping and ecology.

Principle

- 4.3.2 The site is in the Green Belt. In the Green Belt, only certain types of development are acceptable in principle. If development is not acceptable in principle it will be inappropriate, and should not be approved except in very special circumstances.
- 4.3.3 Policy SP5 refers to the National Planning Policy Framework (NPPF) which sets out exceptions to inappropriate development in the Green Belt in paragraphs 154 and 155 (December 2024 version). Para. 154 is:

154. Development in the Green Belt is inappropriate unless one of the following

exceptions applies:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

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e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

i. mineral extraction;

ii. engineering operations;

iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

4.3.4 Para. 155 states that housing, commercial and other development should not be regarded as inappropriate development where:

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework(57); and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156 – 157.*

4.3.5 ‘Grey belt’ is defined in the NPPF Glossary as:

Grey belt: *For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*

The relevant parts referred to above in para. 143 are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- d) to preserve the setting and special character of historic towns*

Previously developed land (PDL) is defined in the NPPF Glossary as:

Previously developed land: *Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

- 4.3.6 Assessing the proposal against the above, starting with para. 154, it’s not considered that the proposal would fall within e) as there would be a large gap between the dwellings and the closest dwellings to the east, with the proposal appearing as an expansion of Old Knebworth rather than what would normally be a ‘typical’ infill plot which would have buildings close by on each side.
- 4.3.7 The only other part of para. 154 that the proposal could comply with is g), which firstly depends on whether the site can be classed as PDL. The access and the car park in the west third of the site are considered to be PDL. The larger eastern part of the site is predominantly a grassed area with trees and three small areas of hardstanding. This eastern part of the site is essentially considered to be undeveloped, and therefore is not considered to meet the definition of PDL in the NPPF. The proposal is not considered to comply with paras. 154 and 155 of the NPPF.

- 4.3.8 Local Plan Policy SP2 classifies Old Knebworth as a Category B village. This Policy states that infilling development which does not extend the built core of the village will be allowed in Category B villages. Infilling is described in the Local Plan Glossary as:

The development of a relatively small gap between existing buildings.

- 4.3.9 Taking the above into consideration, in this case the proposed dwellings would be east of Little Hyde and close to that dwelling. However, there is a larger gap to the east of the proposed dwellings and the next closest dwelling to the east (No. 207 Park Lane). This gap is part of an agricultural field, and is considered to be too large to be a relatively small gap between existing buildings. The field also provides a clear separation between Old Knebworth and the smaller group of dwellings to the east. The proposal is not considered infilling, and would also extend Old Knebworth beyond its built core further east. The proposal does not comply with Policy SP2 of the Local Plan.

- 4.3.10 The December 2024 NPPF has however introduced a new para. 155 which is stated earlier in this report, which differs to previous versions of the NPPF as it has introduced a new land use definition 'Grey Belt' – the definition of which is:

Grey belt: *For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*

The relevant parts referred to above in para. 143 are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- d) to preserve the setting and special character of historic towns*

- 4.3.11 The site is both PDL and any other land. In respect of para. 143 referred to in the definition, a) is not applicable as Old Knebworth is not considered to be a large built up area, it would not conflict with b) as Old Knebworth and the small group of dwellings to the east are not towns, and d) is not applicable either as Old Knebworth is not a town.

- 4.3.12 The last part of the definition states 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Footnote 7 states:

7 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

- 4.3.13 The site is within a Conservation Area, which is a designated heritage asset in the NPPF. The Council's Conservation Officer has objected, however this is not a 'strong' objection, as the CO does not object to more built form in the site.
- 4.3.14 Nevertheless the CO has objected, on the grounds that the building should be broken up to provide a view to the fields beyond the site. Whether this would be a strong reason for refusing the proposal will be assessed later in this report, which will also conclude whether the proposal is inappropriate development in the Green Belt.

Character and appearance and heritage

- 4.3.15 The site is in a Conservation Area, which is a designated heritage asset under Section 16 of the NPPF. In terms of conservation areas, S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers in conservation areas "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".

- 4.3.16 The Council's Conservation Officer has objected to the application, with the key part of the CO's report stating:

The proposed developed will sit west of Little Hyde which is identified as a positive building in the appraisal document. Currently the site is open with view to the fields beyond but is located on edges of village development and more built form is not considered harmful.

The proposal in principle would not have an overly detrimental impact on both designated and non-designated heritage assets as identified in the appraisal document. However, the continuous front range could be broken up particularly the central projecting element so that a view through to the fields beyond is still present.

- 4.3.17 This harm is considered less than substantial as required as an assessment under Section 16 of the NPPF. Para. 215 states that where this harm is less than substantial, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 4.3.18 The public benefits in this case would be the creation of 5 new dwellings, which are considered limited. Part of the optimum viable use is as a car parking area, which would be retained. It's not clear what the optimum viable use of the eastern more undeveloped part of the site is or could be, although it's not necessarily considered to be residential as it's outside the built core of Old Knebworth, therefore the proposed residential use is not considered the optimum viable use.
- 4.3.19 The CO's comments do not suggest that the harm would be at the higher end of the 'less than substantial' criteria, with the objection being that the built form of the development should be broken up to provide a view through to the fields to the rear.
- 4.3.20 The proposal is for a continuous terrace of 5 bungalows, which is not characteristic of this part of Old Knebworth east of Old Knebworth Lane where dwellings and buildings are smaller with clear gaps between them. As the proposed terrace is considered to be out of character for the location, it's considered that the harms to the designated heritage asset outweigh the limited public benefits.

4.3.21 Paragraph 11 d) i. of the NPPF states:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed

4.3.22 “Areas or assets of particular importance” are set out in Footnote 7, which include designated heritage assets such as a Conservation Area. Taking into account the CO’s comments and objection, it’s considered that there is a strong reason for refusing the proposed development due to the harm that would be caused to the significance of the Conservation Area.

4.3.23 The Conservation Officer does not raise concerns in relation to the impacts of the development on other heritage assets that adjoin the site or are further away, and I don’t disagree. The harm to the Conservation Area would however remain.

4.3.24 Considering the impacts of the proposal more generally on the character and appearance of the locality, the use and appearance of the access drive and the car park will remain as at present. The proposal would result in a more intensive use of these parts of the site as they would be shared with Old School House, however the visual impacts are considered small due to the overall small scale of the development and the siting of the car park generally away from many public views.

4.3.25 The proposed terrace has been designed to look like a similar terrace approx. 400m away to the SW. While this terrace and the application site are both in Old Knebworth, the character of Old Knebworth around the application site is considered more open and borders open countryside, with dwellings/buildings being predominantly detached and semi-detached with clear gaps between them.

4.3.26 As such, and concurring with the Conservation Officer’s comments, the proposed terrace would be a continuous block of new development that is considered out of character with the locality due to its size, siting and design.

4.3.27 The terrace would occupy approx. one-third of the eastern part of the site, would adjoin the east and west sides of the site, and would be close in parts to the front and rear boundaries. This would be particularly apparent for units 3, 4 and 5, due to the short depths of their rear gardens and the shorter distance between the front elevations of those dwellings and the front boundary. Due to the proposed size of the terrace and limited spacing around it, this part of the proposed development is considered would appear cramped and over-dominant in the site.

4.3.28 The design, size and siting of the proposed dwellings are not considered acceptable. The proposal would cause harm to the significance of a designated heritage asset. The proposal does not comply with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

Neighbour amenity

- 4.3.29 The proposal won't physically alter the existing access drive and car park, although it will intensify their use as the new dwellings will use these areas as well as sharing with Old School House. There would be likely to be an increase in traffic movements and noise, however as each of the dwellings would only have one bedroom, the impacts are considered limited. The Environmental Health Officer has not objected to this. It is not considered that the increase in use of the access drive and car park will be harmful to amenity.
- 4.3.30 Due to the proposed siting of the dwellings, the only property that could be affected is dwelling Little Hyde (LH), which is NW of the proposed dwellings. Of the proposed dwellings, it's only Plot 1 that would be closest to LH that could affect it.
- 4.3.31 The boundary of LH closest to Plot 1 is a 1.8m high fence, which will prevent potential harmful loss of privacy to that dwelling. An outbuilding in the SE corner of the curtilage of LH will provide additional screening of the proposed dwellings. The proposed dwellings will be at an oblique angle to openings of rooms of LH, would be of a limited height due to their bungalow design, will taper away from the boundary, and as above will also be obscured by the boundary fence and an outbuilding. It's not therefore considered that the proposed dwellings will be harmful to main habitable rooms of LH.
- 4.3.32 The curtilage of LH comprises a small 'yard' area to its east, with its main private garden to its north and west. The proposed dwellings will not affect the private gardens of LH, and will have limited and acceptable impacts on the yard area due to their siting, small height and screening.
- 4.3.33 The proposal will result in 5 new dwellings on the site which will increase the intensity of the use of the site. It's not considered that this will result in harmful amounts of noise etc. as each dwelling will be small and the gardens will be to their rear and SE of LH. Impacts on amenity are acceptable, and complies with Policy D3 of the Local Plan.

Future living conditions

- 4.3.34 The proposed dwellings would be considered to receive acceptable outlook, light and privacy. The size and quality of internal accommodation is considered acceptable. Outside private areas of amenity space are considered to be of an acceptable size and quality. The rear gardens for Plots 3-5 would be small, however they're considered acceptable as those dwellings would only have 1 bedroom, and there are no minimum garden size requirements in the Council's planning policies. Future living conditions are therefore acceptable. The proposal complies with Policy D1 of the Local Plan.

Parking and highways

- 4.3.35 The proposed development would include 13 parking spaces, all of which would be provided on the existing parking area. Each dwelling would have 1 parking space, which complies with minimum parking requirements for 1 bed dwellings, and is acceptable in this respect. The six parking spaces for Old School House will also be retained, and is acceptable.
- 4.3.36 The remaining two spaces will be for visitors. The applicant has worked to a figure of 0.25 visitor spaces per dwelling, however under the Council's parking standards in its adopted Local Plan, 0.75 visitor spaces per dwelling are required as none of the

dwelling would have a garage. The visitor space minimum requirements for the proposal are 3.75, which is rounded up to 4. There would therefore be a shortfall of 2 visitor spaces.

4.3.37 The Local Plan states that reductions in provision will be considered where:

- 1. Alternative publicly available off-street parking is available within 2 minutes' walk of the site;*
- 2. Visitor parking arising from small-scale (i.e. infill) development can be accommodated on-street without compromising highway safety, the amenity of existing residents or the ability for businesses to operate; or*
- 3. Relevant evidence is submitted by the applicant which supports a reduction in standard and considers existing and future car ownership and likely visitor demand.*

4.3.38 In relation to those, 1 is not complied with. Point 3 is not complied with as no evidence has been submitted. Potential visitors could park approx. 150m further east on Park Lane on-street, which is considered complies with 2 as the visitor parking deficit in numbers is small at two. Visitor parking is therefore considered acceptable.

4.3.39 Regarding impacts on public highways, the County highways officer has objected on numerous grounds. The reasons for the objection can be summarized as not providing sufficient pedestrian and cyclist access onto Park Lane, visibility splays aren't shown, no swept path analysis has been carried out, and details of cycle parking haven't been provided.

4.3.40 Of those reasons, the proposed block plan shows that each dwelling would have covered, secure and lockable bike storage for 2 bikes. It's for the LPA to determine whether cycle parking would be acceptable, which in this case would exceed the minimum requirements. Sufficient details are also considered to have been provided of bike storage units.

4.3.41 The other concerns raised by the highways officer are considered reasonable, as it's not known whether the access is safe, whether sufficient manoeuvrability would exist for vehicles, and that pedestrian and cycle access for the dwellings would be inadequate as there would not be a direct link to the footway on Park Lane. The proposal does not comply with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Landscape and trees and ecology

4.3.42 The smaller western third of the site is hardstanding with some small amount of vegetation on the south boundary. As these areas will remain hardstanding and the vegetation will remain, this part of the development is acceptable regarding proposed landscaping, and impacts on trees and ecology.

4.3.43 In the larger eastern part of the site, new hard and soft landscaping is proposed, with the amount of hardstanding being limited to a connecting path to each dwelling. The proposed landscaping, not taking into consideration tree removal, is considered acceptable. Further details would be required by condition if permission was to be granted.

- 4.3.44 Turning to impacts on trees, there are higher and more significant mature trees on the eastern half of the east 2/3 of the site. There is a smaller less significant single tree further west near Little Hyde (T04 on the plans).
- 4.3.45 A submitted Biodiversity Net Gain Assessment (BNGA) document states that only T04 is to be retained. It's not considered that the proposed development would harm this tree during its construction, or result in future pressure for its felling or lopping.
- 4.3.46 In relation to the proposed loss of the other trees, and also nearby hedgerows, the Council's Ecologist has objected and provided the following comments:

The proposal would be subject to a mandatory requirement to deliver 10% Biodiversity Net Gain but having read the submitted Biodiversity Net Gain Assessment it is clear that it would result in a Biodiversity loss of 74% of habitat units and 32% loss of hedgerow units due the extensive loss of trees and hedgerow.

Applications are expected to follow the biodiversity mitigation hierarchy of avoid, mitigate and as a last resort compensate. The BNG Assessment makes recommendations for limited mitigation but these are minor and with such a constrained site are unlikely to be retained or managed in a way to ensure continued ecological benefit. As such biodiversity gains will need to be sought off site which is disappointing. A reduced level of development would allow the retention of more tree cover.

Limited information has been provided in the BNG Assessment and it is not clear which tree species are affected but as the site lies in a conservation area they would all be covered by a TPO and most appear to be mature specimens which would have significant ecological interest associated with them, particularly the possibility of bats which has not been assessed.

Given the blanket removal of trees from the site barring tree 4, which appears to be an apple tree, more information is required to allow an informed decision in relation to the potential impact to protected species interest in the site.

- 4.3.47 The application does not include a detailed tree survey, therefore it can't be determined what the trees are that would be lost (their species, heights, conditions etc.). The trees are considered to have a group value that make a positive contribution to the character and appearance of the site and locality, therefore their removal would add to the harms from the development. The removal of these trees is also considered indicative of the large amount of development relative to the size of the site.
- 4.3.38 Seven new trees are shown on the proposed block plan, however it's not considered that they would compensate for the loss of the existing trees as they will be smaller in number and size, mainly to the rear, and would have smaller visual impacts than the existing trees. It is however acknowledged that the replacement trees would mitigate some of the harm from the loss of the trees.
- 4.3.39 Another concern relating to the proposed tree removal is the potential impact on protected species, particularly bats. No bat survey or other similar ecological survey has been submitted with the application, therefore on the basis of the objection from the Ecologist, the proposal is not considered acceptable as it has not been demonstrated

that protected species and their habitats would not be harmed, and if so, including mitigation measures etc.

- 4.3.40 The application is also subject to a 10% mandatory Biodiversity Net Gain to be provided. The submitted BNGA states that there would be a biodiversity loss of 74% of habitat units and 32% loss of hedgerow units due the extensive loss of trees and hedgerow.
- 4.3.41 That the 10% can't be provided on site is indicative of the large size of the development relative to the size of the site. The BNG provisions would however require the 10% to be provided off-site, therefore it's considered more likely that this would be able to be provided by the applicant as the BNGA in Section 4 refers to this and suggests off-site BNG can be provided. On this basis, and in accordance with para. 019 of the Planning Practice Guidance for BNG, it's not considered that an objection can be raised due to 10% BNG not being provided in the site.
- 4.3.42 Due to the impacts on the character and appearance of the site and locality from removing most of the largest trees, and as it has not been demonstrated that protected species and their roosts would not be harmed, the proposal is not considered to comply with Policies NE2 and NE4 of the Local Plan, and Section 15 of the NPPF.

Summary

- 4.3.43 Bringing together the assessments in the above report, the site is not considered to be Grey Belt as the harms that would be caused to a designated heritage asset the Conservation Area would provide a strong reason for refusing the development, as stated in para. 11 d) i. of the NPPF.
- 4.3.44 The site is therefore Green Belt. As stated earlier in this report, the proposal does not comply with para. 154 of the NPPF, and also does not comply with para. 155 of the NPPF and Section 13 as a whole. The proposal would be inappropriate development in the Green Belt.
- 4.3.45 As the development would be inappropriate development by definition in the Green Belt, in accordance with para. 153 of the NPPF, this should not be approved except in very special circumstances (VSC). Substantial weight is given to any harm to the Green Belt, with harm starting with the proposed development being inappropriate by definition.
- 4.3.46 To further assess the proposed impacts on the Green Belt, the site is considered to contribute to purpose c) of para. 143 of the NPPF as it is within wider countryside in a locality with a rural character, and has public visibility due to the proximity of a public highway nearby to the north.
- 4.3.47 Impacts on openness can be both spatial and visual. It is considered that there would be spatial impacts on openness as the proposal will intensify the use of the site through the addition of new dwellings, with more associated activities such as vehicle movements, parking, rear garden activities etc.
- 4.3.48 There would also be visual impacts on the openness of the Green Belt as the proposal would result in five new dwellings on a site that is largely undeveloped, it would be visible within and outside the site, and it would increase the number of dwellings in the locality.

4.3.49 The proposed development is considered to result in loss of openness to the Green Belt, and is also inappropriate by definition. In addition there would be other harms as set out in the report, being harm to the significance of the Conservation Area, harm to the character and appearance of the locality, harms in respect of impacts on and connections to the public highway, and that it has not been demonstrated that protected species and their habitats would not be harmed. The proposal would also conflict with Local Plan Policy SP2 as it would not be infilling development, and it would extend the built core of the Category B village of Old Knebworth.

4.3.50 Such development should not be approved except in very special circumstances (VSC's), as stated in para. 153 of the NPPF. The applicant has not put forwards any VSC's for the development. The proposal is not considered acceptable in principle. The proposal does not comply with Policies SP2 and SP5 of the Local Plan and Section 13 of the NPPF.

4.4 **Balance and Conclusion**

4.4.1 The Local Planning Authority does not have a five year housing land supply. The 'tilted balance' in para. 11 d) ii. is not engaged in this instance as the harm identified to a designated heritage asset requires d) i. to be employed, where it's considered that there is a strong reason for refusing the proposed development. The limited public benefits are not considered to outweigh the harms caused to the designated heritage asset. Other harms have also been identified in this report which further weigh against the proposal.

4.4.2 In the absence of material planning reasons to the contrary it is my view that planning permission is **REFUSED**.

5.0 **Recommendation**

5.1 That planning permission be **REFUSED** for the following reasons:

1. The proposed development by reason of its type, size and visual impacts would be inappropriate development in the Green Belt by definition and would cause further harm through loss of openness, impacts on character and appearance, harm to a designated heritage asset, impacts on and connections to public highways, and potential impacts on protected species and their habitats. The proposal does not comply with Policies SP2 and SP5 of the Local Plan and Section 13 of the NPPF.
2. The proposed development by reason of its size, design and siting is not considered in keeping with the site and locality and would be harmful to its character and appearance. The proposed development will result in harm to the significance of a designated heritage asset. The proposal does not comply with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

3. The proposed development has not provided sufficient information to determine whether the impacts on public highways and within the site would be acceptable, and does not provide adequate pedestrian/cycle access onto the public highway. The proposal does not comply with Policy T1 of the Local Plan and Section 9 of the NPPF.
4. The proposed development has not demonstrated that protected species and their habitats/roosts would not be harmed. The proposal does not comply with Policy NE4 of the Local Plan and Section 15 of the NPPF.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 11 March 2025	